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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,439	03/29/2001	Tsuyoshi Miura	FUJR 18.498	1744

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821,439

Applicant(s)

MIURA ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2612

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3/1/2004 with respect to claims 1-5 have been fully considered but they are not persuasive.

### **Response to Remarks:**

Applicant contends (Amendment, page 3) regarding claim 1 that Sugimoto fails to teach the group of features recited in claim 1. Specifically, the applicant contends that Sugimoto does not show or suggest a luminance control unit that controls the illumination unit so that the amount of light becomes appropriate for suppressing disturbances in the image picked up by the camera. The Examiner respectfully disagrees. The microcomputer (32) disclosed by Sugimoto serves as a luminance control unit (col. 7, lines 52-67). The microcomputer (32) compares the luminance evaluation value ( $V_y$ ) with a target evaluation value ( $V_t$ ) and causes that flash lamp (38) to emit light if needed (col. 9, lines 21-67; col. 10, lines 1-12). The luminance evaluation value ( $V_y$ ) is calculated by a calculator (26) that divides the integrated value with the weighting amount data from weighting tables (28, 30)(col. 7, lines 43-47). The weighting tables (28, 30) help to suppress disturbances in the image by eliminating areas of high luminance (col. 7, lines 23-29).

Applicant contends (Amendment, pages 3-4) regarding claim 5 that Yokonuma in combination with Sugimoto fails to show that the luminance control unit automatically detects blooming or smearing in the image based on the luminance of the image. The examiner respectfully disagrees. The microcomputer (32) disclosed by Sugimoto serves as a luminance control unit and compares the luminance evaluation value ( $V_y$ ) with a target evaluation value ( $V_t$ ) and causes that flash lamp (38) to emit light if needed (Sugimoto: col. 9, lines 21-67; col. 10, lines 1-12). The weighting tables (28,30) evaluate the luminance of the screen considering only the center area and vary the exposure as well as exclude certain light sources in order to correct the back light of the image (col. 13, lines 51-65).

The electronic camera using flash for exposure control disclosed by Yokonuma mentions that smearing of an image may occur in the image if intense light hits the light-receiving surface of the CCD (Yokonuma: col. 15, lines 25-47). In order to determine that an image is smeared a luminance value or range for a smeared image must be determined in order to distinguish a smeared image from and un-smeared image. Therefore, it would have been obvious for one skilled in the art to have been motivated to include smearing detection capabilities of the electronic camera disclosed by Yokonuma in the digital camera capable of luminance control disclosed by Sugimoto. Doing so would provide a method of determining a luminance value or range that corresponds to a smeared image. Thus providing a luminance control unit capable of automatically detecting smearing in an image based on the luminance of the image.

***Claim Rejections - 35 USC § 102***

**Claims 1 and 4 rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto, US 6,441,856.**

Re claim 1, Sugimoto discloses in figure 1 a digital camera (10) having a flash unit (38) that determines proper flash duration through an assessment of image luminance. The camera (10) includes a light emission unit (38) having at least one light-emitting element, and a microcomputer (32) that acts as an emission control unit for controlling the light-emitting element (38) (col. 7, lines 63-67). The camera (10) also includes an image-signal acquiring unit (14) for performing analog-to-digital conversion of the image to generate a digitized image signal and store the digitized image signal (col. 5, lines 39-44). The microcomputer (32) disclosed by Sugimoto serves as a luminance examining unit and a luminance control unit (col. 7, lines 52-67). The microcomputer (32) compares the luminance evaluation value ( $V_y$ ) with a target evaluation value ( $V_t$ ) and causes that flash lamp (38) to emit light if needed (col. 9, lines 21-67; col. 10, lines 1-12). The luminance evaluation value ( $V_y$ ) is calculated by a calculator (26) that divides the integrated value with the weighting amount data from weighting tables (28, 30)(col. 7, lines 43-47). The weighting tables (28, 30) help to suppress disturbances in the image by eliminating areas of high luminance (col. 7, lines 23-29).

Re claim 4, see claim 1.

***Claim Rejections - 35 USC § 103***

**Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto as applied to claim 1 above and further in view of Yahav.**

Re claim 2, Sugimoto mentions all of the limitations of claim 1 above. In addition, Sugimoto states that the microcomputer (32) varies the shutter speed of the camera (10) in accordance with the luminance evaluation value ( $V_y$ ) applied from the calculator (26) (col.7, lines 52-60). However, Sugimoto does not specifically mention that the iris opening of the camera is maximized during this process.

Yahav discloses in figure 1A a camera (60) with through the lens lighting. The opening of the iris (64) of the camera is varied in order to control the optical extent of the extended light source (62) (col.7, lines 29-34). Therefore, taking the combined teaching of Sugimoto and Yahav as a whole, it would have been obvious to modify Sugimoto to include a variable-aperture iris as taught in Yahav. Doing so would provide a method for obtaining images that have sufficient luminance characteristics (Yahav: col. 7, lines 29-34).

Re claim 3, the variable aperture iris (64) of the camera (60) disclosed by Yahav is capable of increasing or decreasing the size of the iris opening.

**Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto and further in view of Yokonuma.**

Re claim 5, the microcomputer (32) disclosed by Sugimoto serves as a luminance control unit and compares the luminance evaluation value ( $V_y$ ) with a target evaluation value ( $V_t$ ) and causes that flash lamp (38) to emit light if needed (Sugimoto: col. 9, lines 21-67; col. 10, lines 1-12). The weighting tables (28,30) evaluate the luminance of the screen considering only the center area and vary the exposure as well as exclude certain light sources in order to correct the back-light of the image (col. 13, lines 51-65). However, Sugimoto fails to distinctly state that the luminance control unit automatically detects blooming or smearing in the image based on the luminance of the image.

Yokonuma discloses an electronic camera using flash for exposure control. Yokonuma teaches that smearing of an image may occur in the image if intense light hits the light-receiving surface of the CCD (Yokonuma: col. 15, lines 25-47). In order to determine that an image is smeared a luminance value or range for a smeared image must be determined in order to distinguish a smeared image from and un-smeared image. Therefore, it would have been obvious for one skilled in the art to have been motivated to include smearing detection capabilities of the electronic camera disclosed by Yokonuma in the digital camera capable of luminance control disclosed by Sugimoto.

Doing so would provide a method of determining a luminance value or range that corresponds to a smeared image. Thus providing a luminance control unit capable of automatically detecting smearing in an image based on the luminance of the image.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
NGOC-YEN VU  
PRIMARY EXAMINER